

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/841,094

**REMARKS**

Claims 1-8 are all the claims pending in the application.

The Examiner has acknowledged Applicants' claim to foreign priority. However, the Examiner has indicated that the certified copy of the Priority Document has not yet been filed. The certified copy of the Priority Document was filed on April 25, 2001. A copy of the OIPE date-stamped filing receipt and copy of the cover page of the priority document is enclosed herewith to show that this requirement has been satisfied.

The drawings filed April 25, 2001 are objected to by the Examiner. In particular, the Examiner objects to the drawings for failing to illustrate a "buckled part" and a "brace having curved and straight ends". The buckled part is illustrated as the curved part in the figures. With respect to the "curved and straight ends", additional reference numerals --3b-- and --3c--, respectively, identify these parts.

The specification is objected to by the Examiner for failing to describe a buckled part. Applicants amend the specification to include reference to the buckled part as being the curved part, as discussed above.

Claims 4 and 6 are rejected under 35 U.S.C. § 112, second paragraph. Applicants amend the claims to remove any ambiguities.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19711627.

Claim 7 is rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19711627.

Claim 8 is rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19711627.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 19711627.

### Analysis

All of the claims are rejected in view of the '627 reference that is discussed in Applicants' application.

Applicants respectfully traverse the prior art rejections for the following reasons.

Claim 1 recites that the truss braces abut the lower boom members without bending. However, '627 discloses the truss braces as abutting the lower boom members with a bending. Each of the embodiments in '627 show abutting by bending the truss brace. In Figs. 5a and 5b of '627, the bottom portion of the truss brace has a bent/curved portion, which is welded to the lower boom. As mentioned in the specification, the present invention improves load bearing capacity by welding a straight portion of the truss to the lower boom without any bending.

With the present invention, several lattice girders are possible in the overall height. Also, the invention provides an advantage in that the welding is arranged from the top so that the lattice girder does not need to be turned (see Figs. 3a, 3b).

In view of the foregoing, claim 1 is distinguishable from '627, and thus, is patentable.

Claims 2-6 are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

Claim 7 is patentable for similar reasons to claim 1. Although this rejection is not as clear as the rejection for claim 1, the Examiner again appears to assert that '627 anticipates the claimed invention.

However, '627 does not disclose that the ends of the brace parts are connected to the lower boom members without bending. In the present invention, the end of the brace part which

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is straight is connected to the lower boom without bending; in contrast, '627 specifically shows that the end of the brace part connected to the lower boom is bent.

Thus, claim 7 is patentable.

Finally, the Examiner asserts that claim 8 is anticipated by '627. Claim 8 is directed to a brace part having a straight end and a curved end. In contrast, '627 discloses that the brace part is curved at the top and bottom. This reference does not disclose a straight end as in the present invention. Thus, claim 8 is patentable.

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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PATENT TRADEMARK OFFICE

Date: January 27, 2003

Attorney Docket No.: Q63888

## APPENDIX

### VERSION WITH MARKINGS TO SHOW CHANGES MADE

#### IN THE SPECIFICATION:

**The specification is changed as follows:**

Page 4, paragraph 2:

As shown in FIG. 3b, two straight brace parts 3 connected by a straight bridge piece 3a form a truss brace 10. [The] One end of the straight brace part 3 has a curved (or buckled) portion 3b which connects to the straight bridge piece 3a (see FIG. 4a), while the other end of the straight brace part 3 is a straight portion 3c.

#### IN THE CLAIMS:

**The claims are amended as follows:**

4. (Amended) A lattice girder supporting frame according to claim 1, wherein each of said [two] straight brace parts are connected to each other at one end through a buckled part, with said straight bridge piece located in between said buckled parts, and extending in parallel to said upper and lower boom members.

6. (Amended) A lattice girder supporting frame according to claim 1, wherein said upper boom member is capable of being positioned at different heights relative to said straight bridge piece of said truss, [for example X or] wherein the height of said straight bridge piece of said truss is  $X \pm a$ , wherein a is < a radius of the upper boom member, and X is the height of the upper boom member.

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8. (Amended) A truss brace of a bracing element for a lattice supporting frame, comprising:

two [straight] brace parts, each of said two [straight] brace parts including a first end having a curved portion and a second end having a straight portion; and  
a straight bridge piece connecting said first ends of said two [straight] brace parts so that said two [straight] brace parts are disposed at an angle with respect to each other.

**REQUEST OF EARLY NOTIFICATION OF SERIAL NUMBER**

Inventor: Rudolf SEIZ

Title: **LATTICE GIRDER SUPPORTING FRAME HAVING  
STRAIGHT BRACE PARTS**

Atty Doc. #: **Q63688** Client: **Bochumer Eisenhutte Heintzmann  
GmbH & Co.KG**

Filing Date: April 25, 2001 # Pgs. Spec/Abst: 10 #Claims: 8 jc945 U.S. PTO  
09/841094

# Dwg. Sheets: 3 Decl NO Prelim Amdt NO



04/25/01

IDS/Prior Art: NO Pr Doc: YES Asgmt: NO Fee: \$710.00

Check Attached  Charge to Deposit # 19-4880 Atty/Sec: ERS/mlv

SERIAL NO.:

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 Check Attached  Charge to Deposit # 19-4880 Atty/Sec: ERS/mlv

SERIAL NO.:

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Rudolf SEIZ Fl. Date: 4/25/01 Q63688  
LATTICE GIRDER SUPPORT FRAME  
HAVING STRAIGHT BRACE PARTS  
1 of 1

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## Prioritätsbescheinigung über die Einreichung einer Patentanmeldung

**Aktenzeichen:** 100 20 572.0

**Anmeldetag:** 27. April 2000

**Anmelder/Inhaber:** Dipl.-Ing. Rudolf Seiz, Herrsching/DE;  
Bochumer Eisenhütte Heintzmann GmbH & Co  
KG, Bochum/DE;

**Bezeichnung:** Gitterträgerausbaurahmen und Aussteifungs-  
elemente für einen Gitterträgerausbaurahmen  
hoher Tragkraft und wirtschaftlicher Fertigung

**IPC:** E 21 D 11/20

**Die angehefteten Stücke sind eine richtige und genaue Wiedergabe der ur-  
sprünglichen Unterlagen dieser Patentanmeldung.**

München, den 3. November 2000  
Deutsches Patent- und Markenamt  
Der Präsident  
Im Auftrag

Seizer

